

REMARKS

Amendments have been made to the claims to eliminate the points of indefiniteness noted by the Examiner in the Official Action. Additionally, amendments have been made to claims 1 and 17 to further distinguish applicant's invention from the cited prior art.

Reconsideration by the Examiner and withdrawal of the rejections are respectfully solicited.

The present invention is directed to a method of manufacturing a cheese or milk product by molding, and to resulting molded product. In particular, the present invention enables molded food products to be made from milk or cheese products having textures that are not mechanically strong and have little cohesion, i.e. they are creamy or crumbly. Thus, the present invention provides a new form of food product which has not heretofore been produced.

All of the claims have been rejected under 35 U.S.C. 103 as being unpatentable over Anderson EP 159632 and Burt U.S. Patent 1,718,997, in view of the Winton publication. Both Anderson and Burt are concerned with producing frozen confections. The frozen confections disclosed by these patents are molded into a suitable shape and are frozen. The confections retain their shape only if they are kept frozen.

The present invention, by contrast, is concerned with making molded cheese or milk products rather than frozen confections.

As set forth in claim 1, the method comprises casting a melt of a cheese or milk product having a dry extract content lying in the range of 25% to 50% and a fat content by weight in the dry extract lying in the range 30% to 75%. Neither Anderson nor Burt disclose or suggest casting a melt, and they clearly do not teach or suggest a melt of the composition specified in claim 1. The claim further specifies cooling the melt to cause at least a peripheral layer of the melt to congeal, followed by reheating the mold to soften a surface region of said congealed peripheral layer. The molten peripheral layer confers to a product that is not mechanically strong (i.e. is creamy or crumbly) a sufficient rigidity to allow it to be unmolded. Consequently, with

the method according to the present invention, a molded cheese or non-frozen milk product can be produced, which was not earlier possible.

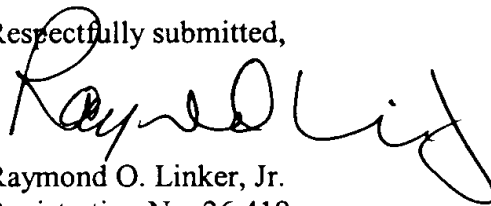
The Winton publication merely discloses the composition of various cheeses. Nothing contained in either Burt or Anderson would provide any motivation or suggestion of making a molded cheese product from the compositions described by Winton, rather than a frozen confection. Therefore, there is no basis for combining these references in an obviousness rejection. Furthermore, even if the reference teachings are combined, there is nothing in the combined reference teachings that would lead a person of ordinary skill in the art to using a cheese or milk product having the specific dry extract content and fat content specified in the claims, or to casting a melt of such a composition. Therefore the invention defined in independent claims 1 and 17 and the claims dependent therefrom patentably distinguish over the prior art.

The Examiner's attention is also directed to the features recited in the dependent claims of record, which further distinguish the present invention over the cited prior art. For example, the primary references Anderson and Burt do not processing at the temperature conditions recited in claim 5 and 10-15, nor at the pH conditions of claims 17 and 19. Nor is there any teaching of a separate coating step by dipping, as claimed, or of applying to the coating solid pieces, such as dried fruit, vegetables and/or spices.

In summary, the present invention achieves the surprising result of obtaining molded products of a defined shape from a cheese or milk product that does not have inherent strength, but is creamy or crumbly. The method and product defined by applicant's claims is neither anticipated nor made obvious from the cited prior art.

Reconsideration by the Examiner, withdrawal of the rejections, and formal notification of the allowance of all claims as now presented are earnestly solicited.

Respectfully submitted,



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In re: Bernard Illy, et al.
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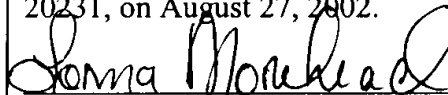
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Lorna Morehead

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Version with Markings to Show Changes Made:

1. (Amended) A method of molding a cheese or non-frozen milk product, wherein [said product has a dry extract content lying in the range 25% to 50%, and a fat content by weight in the dry extract lying in the range 30% to 75%, and a pH that lies preferably in the range 4.8 to 6, and wherein] the method comprises:

a) casting a melt of said product having a dry extract content lying in the range 25% to 50%, and a fat content by weight in the dry extract lying in the range 30% to 75%, into at least one mold;

b) cooling the melt to cause at least a peripheral layer of the melt to congeal;

c) reheating the mold(s) to soften a surface region of said congealed peripheral layer;
and

d) unmolding the product.

3. (Amended) A method according to claim 1, including [a step], after the unmolding step d), a step e) of coating [e] the product.

4. (Amended) A method according to claim 3, wherein said coating step e) is performed by dipping.

6. (Amended) A method according to claim 3, wherein the coating of the product is accompanied by projecting solid pieces of size lying in the range 1 mm to 4 mm, [for example,] which pieces become fixed to the coating.

8. (Amended) A method according to claim 3, wherein the coating is made out of a material[, in particular a gel,] which does not adhere to a material for packaging the product[, such as a plastics tray].

9. (Amended) A method according to claim 1, including a step after the unmolding d)[, and where appropriate after the coating e),] of packaging the product under a modified atmosphere.

17. (Amended) A creamy or crumbly soft cheese or non-frozen milk product made by molding and wherein its dry extract content lies in the range 25% to 50%, its fat content in the dry extract lies in the range 30% to 75% by weight, and its pH [preferably] lies in the range 4.8 to 6.

18. (Amended) A product according to claim 17, having a coating imparting mechanical strength and/or non-stick properties to the product in packaging [such as a tray].